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OF INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

FALKLAND ISLANDS (MALVINAS)

Working paper prepared by the Secretariat

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FALKLAND ISLANDS (MALVINAS) 1/

I. GENERAL

1. The Falkland Islands (Malvinas), which is administered by the United Kingdom of Great Britain and Northern Ireland, comprises two large islands known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres. The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands.

2. According to the latest estimates the population of the Territory in 1995 was estimated at 2,000. 2/

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. Constitution and Government

3. Detailed information on the constitution and Government of the Territory is contained in previous working papers prepared by the Secretariat (A/AC.109/835 and Corr.1, paras 4-39; A/AC.109/2027 and Corr.1, paras. 3-4). It will be recalled that the Constitution Order of the Territory stipulates, inter alia, that "whereas all peoples have the right of self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; and whereas the realization of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations".

4. On 8 January 1996, Mr. Richard Ralph was sworn in as Governor of the Territory. In his statement at the swearing-in ceremony the Governor reaffirmed the commitment of the United Kingdom to uphold and defend the right of the islanders "to choose the flag under which they wished to be governed". He also reiterated the message from the Prime Minister of the United Kingdom that the British Government's "wishes for a stable and friendly relationship with Argentina would never be at the expense of the sovereignty" of the Territory. Mr. Ralph further stated that the views of the islanders would "be taken fully into account every step of the way over the development of cooperation over fishing and oil". 3/

B. Political developments

5. In December 1995, the Prime Minister of the United Kingdom addressed the following Christmas message to the people of the Territory: 4/

> "This is the sixth message I have broadcast to the Falkland Islands. It gives me a chance to speak to you about recent events and to look at the year ahead. As you know, some two months ago, I held the first meeting with the President of Argentina since the 1982 invasion. Let me tell you why. It is because I want a stable and friendly relationship with Argentina. I am in no doubt that that would be in all our interests and especially yours on the Falkland Islands. So, after 13 years, I thought it was right to resume contact at the highest levels, but that does not and will not change your right to be governed under the flag of your own choosing. That is beyond question and will remain so. The better relationship with Argentina cannot be at the expense of the sovereignty of the Falkland Islands. There's been no change and no compromise in the British Government's position. But, a more sensible relationship should produce benefits for all concerned and that has certainly been true over oil exploration. The launching last October of your licensing round opened a new vista for your economy. Thanks to the agreements reached with Argentina beforehand, the Falkland Islands have been able to invite companies to explore for oil unhindered by the threats of outside interference. And, for similar reasons, I would like to see closer cooperation with Argentina over fisheries. The fishing industry is vital to your economy so it's very important to improve conservation of the fishery resources that you share with Argentina. Fish, alas, pay no attention to national boundaries. I agreed with President Menem to work towards a longer-term fisheries agreement, particularly to protect the stocks of squid. I hope that in the year ahead we will be able to achieve this because, if we can, it will be a most encouraging step forward. Closer to home, in a few weeks' time, you will be once again welcoming the Princess Royal. I know that she's looking forward immensely to it. And I'm sure she'll return, as so many visitors do, with a deep impression of the values and the spirit which have made the Falkland Islanders the people they are. From a wintry Britain to the Falklands in mid-summer, I wish you a Happy Christmas and a Peaceful and Prosperous New Year."

6. Also in December 1995, the following Christmas message was addressed to the people of the Territory by the Minister for Foreign Affairs, International Trade and Worship of Argentina: 4/

> "Another year has passed, and I wish to share with you my assessment of the way in which the South Atlantic agenda has evolved in 1995. Let me start by expressing how satisfied I am that the Argentine and British Governments have managed to reach an understanding on hydrocarbons in the south-west Atlantic. This has been achieved without any prejudice to the respective legal positions, and I am sure it can only bring about benefits for everybody involved. Fisheries conservation is another substantive area which has shown further progress. I believe you will agree with me that politics should not stand in between ourselves and the preservation of our environment. We have once again coordinated measures geared towards

protecting the survival of the Illex squid, a major source of income for the islands. Moreover, we hope to be able to strike an understanding concerning the longer-term conservation of the South Atlantic fisheries. Indeed, 1995 has proved to be a fruitful year. However, there remains one aspect which seems particularly at odds with the developments I mentioned above: a lack of direct trade, communications and transport links between the islands and the main land. Such links would no doubt be of benefit to everybody concerned. You may argue that I am being over-anxious on this issue but let me point out that I am not alone in thinking that development of hydrocarbons, for instance, will be facilitated by greater flexibility in this field, particularly in respect of securing supplies and arranging for support of oil exploration and exploitation activities. It remains very hard to understand why, after all the progress that has taken place, no substantial inroads have been achieved in this matter. Moreover, I am aware that there are many among you who would not mind having a moderate number of visitors to the islands. It is important to rebuild personal contacts and a greater awareness of one another. In this sense, the recent TV reporting on the islands by an Argentine broadcasting channel, the visit of islanders to Argentina and the fifth ABC conference in Oxford have pointed in the right direction.

"Finally, I would like to assure you once again that we do care for your interests and that we do mind about your opinions. So, let us not behave as if a fathomless gulf were keeping us apart. Bearing that in mind, please accept this as a message of peace and trust. I hope you enjoyed your Christmas celebration in the company of family and friends, and I wish you all a Happy and Prosperous New Year."

7. On 3 January 1996, the Government of Argentina issued the following press release:

"As we remember today the 163 years since the time when the Argentine people and authorities were forced out of the Malvinas, the people and Government of Argentina reaffirm anew our country's rights of sovereignty in the Malvinas, South Georgia and the South Sandwich Islands and the surrounding marine areas. The national Government reiterates its constant willingness to find a just, negotiated settlement to the dispute over sovereignty in these territories and marine areas in accordance with international law. Furthermore, it declares once again its intention to continue to move forward with the dialogue with the United Kingdom with the aim of building a relationship of mutual trust and reaching new understandings in the south-west Atlantic. Without prejudice to the foregoing, the Government of Argentina expresses its belief in the desirability of promoting communication and cooperation with the inhabitants of the Malvinas and reiterates its intention to safeguard their interests and well-being."

8. On 4 March 1996, the Ministry of Foreign Affairs, International Trade and Worship of Argentina addressed the following note verbale to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires:

"The Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to refer to the claim of unilateral exercise of fisheries jurisdiction in statistical subregion 48.3 of the Convention on the Conservation of Antarctic Marine Living Resources. The Argentine Republic reaffirms its rights of sovereignty in South Georgia and the South Sandwich Islands and the respective marine areas. The Argentine Republic lodges a formal protest against this action by Great Britain and condemns it as contrary to the Convention and general international law. It should be noted that action of this kind can give rise to international liability. As stated in the aide-mémoire transmitted to the Embassy of the United Kingdom in Buenos Aires on 27 February 1996, the Argentine Republic reiterates that the only rules applicable to the utilization of Antarctic marine living resources in the area adjacent to South Georgia and the South Sandwich Islands are those laid down in the Convention on the Conservation of Antarctic Marine Living Resources and such rules adopted by the Commission established under the Convention as are currently in force. In the view of the Argentine Republic, it is relevant to apply the procedures for the peaceful settlement of disputes provided for in article XXV of the Convention on the Conservation of Antarctic Marine Living Resources. To that end, it invites the United Kingdom to consult immediately with a view to initiating the appropriate bilateral negotiations."

9. On 27 March 1996, the Embassy of the United Kingdom in Buenos Aires addressed the following note verbale to the Ministry of Foreign Affairs, International Trade and Worship:

"Her Britannic Majesty's Embassy presents its compliments to the Ministry of Foreign Affairs, International Trade and Worship and with reference to the Ministry's note 42/96 of 4 March has the honour to state the following.

"The United Kingdom has no doubts about its sovereignty over South Georgia and the South Sandwich Islands and its consequential rights to extend maritime jurisdiction around the territory in accordance with the rules of international law. Accordingly, the Embassy are instructed to reject the protest contained in the Ministry's note.

"Furthermore, the implication in the note, and the assertion in the Argentine aide-mémoire referred to therein, that under the Convention on the Conservation of Antarctic Marine Living Resources conservation measures may not be enforced by the exercise of coastal state jurisdiction is manifestly unfounded. The Embassy reiterates the point, made in its aide-mémoire of 16 January 1996, that article IV of the Convention, and the so-called Chairman's statement of 1980, recognize that parties to the Convention with islands within its area of application may exercise coastal state jurisdiction in respect of those islands. The legal position was set out in more detail in the Australian statement at the meeting of the Commission for Conservation of Antarctic Marine Living Resources on 3 November 1995, a copy of which was attached to the aide-mémoire.

"The Chairman's statement applies equally to islands to which another State has laid a claim. The statement is expressed to apply to islands "over which the existence of state sovereignty is recognized by all contracting parties". It is the recognition of the "existence" of state sovereignty which is referred to, not the recognition of the sovereignty of a particular State.

"The Embassy reiterates that the exercise of coastal state jurisdiction in the territory's maritime zone is done in full conformity with the Convention and conservation measures adopted under it. In this connection, the Embassy would draw attention to the terms of the joint statement issued by our two Governments on 7 May 1993.

"The British Government therefore rejects any suggestion that the actions taken by the Government of the territory are in breach of any international obligations.

"With regard to the reference in the Ministry's note to the application of the mechanisms of article XXV of the Convention, the British Government would be pleased to engage in bilateral consultations concerning the interpretation of the Convention."

III. MINE CLEARING

10. In a statement to the International Meeting on Mine Clearance (Geneva, 5-7 July 1995) on 7 July 1995 the representative of Argentina stated, inter alia, the following:

"I would like to point out that our Government has offered to assume the costs of removing the mines laid by the Argentine armed forces in the Malvinas Islands in 1982. This is an ex-gratia offer and does not imply the acceptation of any responsibility.

"In July 1994, the Argentine Republic and the United Kingdom have agreed to request the collaboration of the United States in order to carry out this initiative. The United States Government responded affirmatively to this request and is at present analysing with the Argentine Government the modality that the procedure will assume in order to carry out this operation.

"This initiative corresponds with the national position on disarmament, international security and arms limitation matters. It is at the same time still another demonstration of Argentina's disposition to consider, in the course of her actions, the interests of the inhabitants of the Malvinas Islands and to create an adequate framework for mutual understanding.

"Therefore, it is Argentina's intention that the expenditure caused by the demining of the Malvinas Islands be considered as a contribution to the voluntary trust fund established by United Nations General Assembly resolution 48/7 on assistance in mine clearance, co-sponsored by the

Republic of Argentina and adopted without a vote by the Assembly on 19 October 1993."

IV. ECONOMIC CONDITIONS

A. Public Finance

11. According to the administering Power, in the financial year 1995/96 the estimated total revenue was £36,198,450 and the estimated total expenditure was £38,365,010. A breakdown of the revenue by type is as follows: fishing licences and transshipment, £16,712,200; investments, £5,973,640; taxes and duties, £2,965,000; sale of goods and services, £5,491,890; fines and licences, £98,550; capital revenue, £4,943,600; and miscellaneous, £13,400. Expenditure included the following: staffing costs, £8,809,180; vehicle costs, £286,190; internal transfers, £2,176,770; other operational costs, £10,035,670; and capital expenditure, £17,114,170. Capital expenditure in the 1995/96 financial year included the following: loans and investment, £1,615,000; plant and vehicles, £2,070,600; roads, £3,324,600; housing, £528,000; government buildings and lands, £1,329,800; municipal services, £1,065,000; air transportation, £386,350; consultancies, £1,135,000; departmental capital assets, £556,510; fund transfers, £1 million and transfer payments, £3,762,310.

B. Agriculture, land tenure and livestock

12. Detailed information on the evolution of agriculture, land tenure and livestock is contained in a previous working paper prepared by the Secretariat (A/AC.109/1198, paras. 43-46).

13. During the period under review, the Agricultural Department continued to be responsible for this sector of economy. The department carried out routine testing for Brucella ovis and tuberculosis with negative results and declared the livestock to be free of those diseases. It also noted the general downward trend in the incidence of hydatid in sheep. The department continued to provide certification for the fish catches from the vessels with the territorial flag. The research work of the department included completion of surveying and vegetation mapping of a 1,200-acre grazing trail in Fitzroy and launching of a joint Queens University Belfast/Falkland Islands Trust project to monitor soil erosion and implement methods of control. The department also published an updated edition of the Farm Management Handbook.

C. Fisheries

14. Squid, including Loligo and Illex, are the mainstay of the territorial fisheries and economy. During 1994/95, record catch rates of Loligo squid amounting to 91,117 metric tons were achieved. However, catch rates of Illex squid continued to be low and raised concerns about the future of the Illex stock.

15. The Fisheries Department continued to supervise all activities in that industry. Scientific activities of the department included routine monitoring of all commercial fish stock. In cooperation with Stevedore and Fishery Services, Ltd., and their Spanish partners, a deep water areas exploration project was undertaken. As a result, several species were recorded in that area and certain future commercial opportunities were identified. A squid research project was conducted together with scientists from the British Antarctic Survey and Australia.

16. The number of local companies operating in the fisheries sector continued to grow. There was an increase in the number of fishing vessels registered locally. Consolidated Fisheries, a local company, was particularly successful in the toothfish fishery.

17. Revenues from fishing licence allocations to foreign companies continued to be a major source of economic welfare of the Territory. In 1995, 263 fishing licences were allocated to foreign companies, producing a total revenue of £19,847,893. In 1994, £247,500 revenue originated from 192 transhipping/reefer licences issued by the department. Among the countries licensed to fish in the islands' waters were Chile, France, Honduras, Italy, Japan, Panama, Poland, Portugal, the Republic of Korea, Spain and the United Kingdom.

18. The eleventh meeting of the South Atlantic Fisheries Commission concluded its work on 21 November 1995 at Buenos Aires. The following joint statement of the Commission was issued on the same day:

> "1. The Eleventh Meeting of the South Atlantic Fisheries Commission took place at Buenos Aires on 20 and 21 November 1995. The British delegation was led by the Head of the South Atlantic and Antarctic Department, Mr. Tony Longrigg, and the Argentine delegation was led by the Legal Adviser, Ambassador Alberto L. Daverede.
>
> "2. The British and Argentine delegations agreed that there applied to this meeting and its consequences the formula on sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas agreed by the British and Argentine Governments in paragraph 2 of the Joint Statement issued at Madrid on 19 October 1989.
>
> "3. The South Atlantic Fisheries Commission welcomed the report of the Scientific Sub-Committee on its sixth meeting which was held at Mar del Plata on 16 and 17 November 1995. They noted with satisfaction the co-operation between Imperial College and INIDEP and encouraged the further intensification of scientific exchanges.
>
> "4. Both delegations expressed their commitment to the conservation of fish stocks in the south-west Atlantic and recommended to their Governments that negotiations should be actively pursued with a view to reaching an understanding in the course of 1996. To this end they agreed to meet again for further discussions in the near future.
>
> "5. Both delegations agreed to continue giving priority to conservation, principally of Illex squid and southern blue whiting but also

other species within the remit of the Commission, on the basis of the best scientific advice available.

"6. It was agreed that fishing activity must be tightly controlled throughout the south-west Atlantic for the conservation of Illex stock. It was therefore decided to recommend to Governments that they take steps to ensure that there is no increase in the level of fishing in the relevant areas.

"7. The Commission viewed with concern the high level of fishing activity directed at the Illex stock on the high seas which could undermine the conservation goals of the Commission. It was therefore decided to recommend to Governments that appropriate measures be taken to monitor and exchange information on the level of fishing activity on the high seas.

"8. During 1995 the Early Warning system had been invoked and resulted in a closure of the Illex fishery. At its last meeting the Commission had noted that the system had worked satisfactorily, but given the importance of this system in the management of Illex, had requested that the Scientific Sub-Committee investigate possible improvements. The Scientific Sub-Committee had made recommendations about improvements to the early warning system, which they recommended should be tested in 1996. The Commission accepted these recommendations and noted that taken together, with planned improvements in information processing, they should ensure a more efficient operation in the future.

"9. The delegations recommended to their respective Governments a number of joint scientific research projects for the forthcoming year. These included a research cruise to estimate the size of the Illex recruitment in February 1996 and, reflecting concern about the state of the southern blue whiting stock, a workshop in June 1996 to develop a research cruise methodology to estimate the stock size of southern blue whiting for later application for which INIDEP has allocated ship time in August/September 1996.

"10. Both delegations expressed their satisfaction with the way in which the rapid communications system was working.

"11. Both delegations welcomed the Agreement of 1995 relating to straddling fish stocks and highly migratory fish stocks and agreed to consider further its implications for the work of the Commission.

"12. The Commission received from the Argentine delegation a list of measures for conserving species within the competence of the Commission. The subject will be considered further by the two parties.

"13. Both delegations noted that fishing in the area described in the annex to the joint statement of 28 November 1990 had been allowed from the start of the 1994 season and that it would continue during the 1996 season.

"14. The Argentine delegation made reference to the concern of the Argentine Government about the situation created by the British decision

with respect to the area to the west of the area described in the annex to the joint statement of 28 November 1990. The British delegation stated its position.

"15. The meeting took place in a friendly and constructive atmosphere."

19. In April 1996, the Foreign Ministers of Argentina and the United Kingdom met at Iguazu, Argentina. 5/ On 13 April, upon the conclusion of the meeting, the following press statement was issued:

"Both parties agreed to hold consultations on South Georgia fisheries within the framework of the Convention on the Conservation of Antarctic Marine Living Resources concerning the interpretation and application of the Convention. Both parties expressed their political will to resume conversations on a fisheries agreement for the longer term, putting emphasis on conservation. No dates have yet been set."

20. The following statement was issued on 17 April 1996 by the spokesman for the Secretary-General of the United Nations (SG/SM/5962): 6/

"This morning the Secretary-General received the visit of the Foreign Minister of Argentina, Guido di Tella. The Foreign Minister informed the Secretary-General about the recent incidents in South Atlantic waters resulting from the United Kingdom's decision to enforce the collection of licence fees on Argentine trawlers fishing off the coast of South Georgia, south-east of the Falkland Islands (Malvinas).

"The Foreign Minister told the Secretary-General that he had already met twice with the Foreign Minister of the United Kingdom, Malcolm Rifkind, and that a settlement of the dispute over the question of licence fees had been in progress. The Foreign Minister indicated his concern that the overall fragility of the situation might lead to renewed tensions.

"The Secretary-General expressed his hope that both Governments would continue with their dialogue for a peaceful settlement of all their differences in the area of the Falkland Islands (Malvinas)."

D. Tourism

21. During the 1994/95 financial year, 35 cruise ships carrying 5,650 passengers visited the Territory. The number of air passenger arrivals was 7,025.

E. Oil

22. On 27 September 1995, the following statement was issued by the United Kingdom Foreign and Commonwealth Office:

"The British Government welcomes the understanding reached with Argentina on cooperation over offshore activities in the south-west Atlantic.

"The understanding will facilitate mutually beneficial cooperation, promoting the development of hydrocarbons. It will further improve relations with Argentina since the Madrid joint statement of February 1990. At the same time, it will offer commercial opportunities to British companies, as well as to the Falkland Islands, which will launch a licensing round in October.

"The joint declaration safeguards British sovereignty and jurisdiction over the Falkland Islands and the surrounding maritime areas. Her Majesty's Government have no doubts about the sovereignty and jurisdiction of the United Kingdom.

"Her Majesty's Government are aware that Argentina proposes to enact legislation purporting to impose charges on companies working in maritime areas surrounding the Falkland Islands. Her Majesty's Government do not accept any Argentine claim to impose such charges on companies on reason only of their activities on the continental shelf around the Falkland Islands under Falkland licence. Her Majesty's Government will be working with the Falkland Islands Government in the development of the forthcoming licensing round. We welcome the understanding as a beneficial factor which will reassure the oil industry and improve the climate for exploration for and exploitation of hydrocarbons in a frontier area.

"Appropriate legislation will be introduced in order to take account of the joint declaration, including a new Ordinance in the Falkland Islands."

23. On 27 September 1995, the Government of Argentina issued the following statement:

"The Argentine Government welcomes the achievement of an understanding with the United Kingdom on matters concerning cooperation over exploration for and exploitation of hydrocarbons in the maritime areas subject to a dispute of sovereignty in the south-west Atlantic.

"That understanding will preserve the cordial relations existing between the two countries at the current high level. At the same time, it will offer commercial opportunities to Argentine companies, and it will contribute to the economic prosperity of the country, particularly in the Patagonian region.

"The understanding safeguards the imprescriptible rights of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, as it emerges from the text of the declaration, and as it shall be reflected by the implementation of its dispositions. As both parties have agreed, it shall not be interpreted in any way as a recognition or support of the position of the United Kingdom in respect of sovereignty over the referred islands or the surrounding maritime areas.

"On the basis of this understanding, the Argentine Republic shall benefit, without prejudice to its legitimate rights, from the activities to be carried out in the areas subject to the dispute of sovereignty, through a provisional modus vivendi until both parties resolve that dispute by the peaceful means established by international law. The benefits to be received shall be related to the exploration areas of the volumes of hydrocarbons produced. In accordance with paragraph 6 of the joint declaration, the Executive Power shall introduce in the National Congress non-discriminatory legislation which will impose charges on national and foreign companies operating in the area to the benefit of the nation. The understanding and its implementation do not imply and shall not be interpreted in any way as an acceptance of a claimed right to call for a licensing round for the development of hydrocarbons in the maritime areas surrounding the Malvinas Islands. The Executive Power considers that the assistance of the National Congress is absolutely necessary in order to make the present declaration operative. To this end it will introduce the pertinent bills for their legislative consideration."

24. On 27 September 1995, the Foreign Ministers of Argentina and the United Kingdom met in New York and issued the following statement:

"The Ministers of Foreign Affairs of the United Kingdom and the Argentine Republic signed in New York today a joint declaration concerning cooperation over offshore activities in the south-west Atlantic.

"This declaration is evidence of the will of the two Governments to cooperate on the basis of the agreements reached at Madrid on 15 February 1990. The understanding reached today will not affect the positions of the two countries on sovereignty.

"Both Governments believe that this understanding can be a catalyst for the future development of bilateral relations. The Foreign Ministers have had a very friendly and constructive discussion on how to make progress."

25. The text of the joint declaration entitled "Cooperation over off-shore activities in the south-west Atlantic", issued by the Governments of Argentina and the United Kingdom on 27 September 1995, is reproduced below:

"1. The Government of the Argentine Republic and the Government of the United Kingdom of Great Britain and Northern Ireland agreed that the following formula on sovereignty, based on that contained in the joint statement issued at Madrid on 19 October 1989, applies to this joint declaration and its results:

"(a) Nothing in the content of the present joint declaration or of any similar subsequent joint statements and meetings shall be interpreted as:

"(i) A change in the position of the United Kingdom with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

"(ii) A change in the position of the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

"(iii) Recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas;

"(b) No act or activity carried out by the United Kingdom, the Argentine Republic or third parties as a consequence and in implementation of anything agreed to in the present joint declaration or in any similar subsequent joint statements and meetings shall constitute a basis for affirming, supporting, or denying the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The areas subject to the controversy on sovereignty and jurisdiction will not be extended in any way as a consequence of this joint declaration or its implementation.

"This Joint Declaration does not apply to the maritime areas surrounding South Georgia or the South Sandwich Islands.

"2. The two Governments agreed to cooperate in order to encourage off-shore activities in the south-west Atlantic in accordance with the provisions contained herein. Exploration for and exploitation of hydrocarbons by the off-shore oil and gas industry will be carried out in accordance with sound commercial principles and good oil field practice, drawing upon the Governments' experience both in the south-west Atlantic and in the North Sea. Cooperation will be furthered:

"(a) By means of the establishment of a Joint Commission, composed of delegations from both sides;

"(b) By means of coordinated activities in up to six trenches, each of about 3,500 km^2, the first ones to be situated within the sedimentary structure as identified in the annex.

"3. The Commission will be composed of a delegation from each of the two States, and will meet at least twice a year. Recommendations shall be reached by mutual agreement.

"4. The Commission will have the following functions:

"(a) To submit to both Governments recommendations and proposed standards for the protection of the marine environment of the south-west Atlantic, taking into account relevant international conventions and recommendations of competent international organizations;

"(b) To coordinate activities in the trenches referred to in paragraph 2 (b) above, as areas for special cooperation. This will be done by the establishment of a sub-committee which shall meet regularly, subordinate to the Commission, charged with:

"(i) Encouraging commercial activities in each trench by means such as joint ventures and consortia from the two sides;

"(ii) Seeking nominations from companies for each trench, to be offered upon terms appropriate for a challenging environment;

"(iii) Making recommendations on proposals made to the two Governments by companies for development projects in each trench, including the limits of the trenches;

"(iv) Seeking close coordination in regard to all aspects of future operations, including the overall levels of fees, royalties, charges and taxes, the harmonization of timing, commercial terms and conditions, and compliance with recommended standards;

"(v) Recommending, on the basis of geological data known to both sides, additional trenches either within the sedimentary structure referred to in the annex or in a further area to be agreed by the Governments on the recommendation of the Commission;

"(c) To promote the exploration for and exploitation of hydrocarbons in maritime areas of the south-west Atlantic subject to a controversy on sovereignty and jurisdiction, and to this end:

"(i) To promote cooperation between industry on both sides, including the formation of joint ventures and the elaboration of joint projects for exploration, production and use of infrastructure;

"(ii) To receive from both sides and from operating companies the available information on scientific research, development of activities and commercial operations relating to the seabed, whilst respecting commercial confidentiality;

"(iii) To propose to both Governments coordinated research work by commercial undertakings;

"(iv) To submit to both Governments recommendations for standards for off-shore activities in safety, health and monitoring; both Governments will take the appropriate measures in order to ensure that the companies will keep the Commission informed on the development of their activities;

"(d) On the basis of geological data known to both sides, to propose to the two Governments at the appropriate time further areas of special cooperation, on terms similar to those contained in paragraph 4 (b) above;

"(e) To consider and submit recommendations to the two Governments on any related matter which may arise in the future, including the possible need to agree on the unitization of any discoveries in accordance with good oil field practice, on pipeline operations and on the efficient use of infrastructure.

"5. The arrangements regarding search and rescue set out in the joint statements of 25 September 1991 and 12 July 1993 or any future arrangements between the Parties on the same subject will apply to off-shore activities. Civilian helicopter traffic will be the subject of future discussion.

"6. Each Government will take the appropriately related administrative measures in accordance with this joint declaration for the exploration for and exploitation of hydrocarbons in the areas referred to in paragraph 4 above. They agreed that such measures regulating the activities of companies would be subject to the formula on sovereignty in paragraph 1 above. The Parties will create the conditions for substantial participation in the activities by companies from the two sides. The Parties will communicate to each other relevant information relating to the conduct of exploration and exploitation activities in the areas. Both Parties agreed to abstain from taking action or imposing conditions designed or tending to inhibit or frustrate the possibility of carrying out hydrocarbon development in the areas.

"7. In order to implement the different arrangements in this joint declaration, which form an interdependent whole, the two Governments agreed to cooperate throughout the different stages of off-shore activities undertaken by commercial operators, including the regime for the eventual abandonment of installations."

26. On 1 March 1996, the Governments of Argentina and the United Kingdom issued the following joint press statement on the first meeting of the South-West Atlantic Hydrocarbons Commission:

"1. A British-Argentine meeting took place on 29 February and 1 March at Buenos Aires during which the South-West Atlantic Hydrocarbons Commission was established. The British delegation was led by Mr. William Marsden, Assistant Under-Secretary for the Americas at the Foreign and Commonwealth Office and the Argentine delegation by Ambassador Guillermo Gonzalez, Under-Secretary for Foreign Policy at the Ministry of Foreign Affairs, International Trade and Worship.

"2. The British and Argentine delegations agreed that there applied to the meeting and its consequences the formula of sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas set out in paragraph 1 of the joint declaration of 27 September 1995.

"3. Both delegations reaffirmed their commitment to apply the aforementioned joint declaration, and they expressed their support for the new Commission in its task of carrying out the functions set out by the joint declaration. In this regard, the delegations agreed on the working procedures of the Commission, which will meet at least twice a year.

"4. The Commission established a Sub-Committee, in accordance with the provisions of the joint declaration. The Sub-Committee will consist of officials and experts from the two parties, to advise the Commission on the technical aspects of hydrocarbon activities in the Special Cooperation Area.

"5. The delegations also discussed measures for environmental protection in the south-west Atlantic, and exchanged information on the matter. They also reported on the administrative measures proposed by their respective Governments in accordance with the joint declaration.

"6. The delegations agreed on the need to address a number of detailed practical questions before a licensing round can be launched in the Special Cooperation Area as defined in the joint declaration. The two parties considered that good progress had already been made.

"7. Both delegations reiterated their intention to promote, through the Commission, the exploration for and exploitation of hydrocarbons in maritime areas of the south-west Atlantic subject to a controversy on sovereignty and jurisdiction, and, to this end, to promote cooperation between industry on both sides, including the formation of joint ventures and the elaboration of joint projects for exploration, production and use of infrastructure.

"8. The meeting took place in a constructive and cordial atmosphere, and both delegations expressed their confidence that cooperation on hydrocarbons in the south-west Atlantic would facilitate the economic development of the region, taking into special consideration the protection of the marine environment.

"9. The next meeting of the Commission will be held in the second half of the current year. The Sub-Committee will meet for the first time, in London, in April/May 1996."

F. Transport, communications and other basic facilities

27. Detailed information on transport, communications and other basic facilities is provided in the 1994 and 1995 working papers prepared by the Secretariat (A/AC.109/1198, paras. 65-70, and A/AC.109/2027, paras. 32-33).

28. During the period under review, the Civil Aviation Department carried out a survey of the pavement surfaces at the Stanley airport and currently is concentrating its efforts to complete slurry-sealing of the runway and clearing of the drainage system. Routine maintenance and surveys of the territorial camp airstrips continued. The Chief Inspector of Aviation Security from the United

Kingdom visited the Territory in March 1995 to review the aviation security in the islands.

29. The Falkland Islands Broadcasting Service (FIBS) continued to provide programming within the 24-hour-a-day service agreed upon with the British Forces Broadcasting Services (BFBS).

30. The Media Trust continued to be responsible for the Penguin News, a territorial weekly newspaper, and concentrated its efforts on further improvement in the quality of that publication.

31. The Philatelic Bureau was restructured, emphasis being placed on quality of design and increased publicity to encourage worldwide collection of the territorial stamps.

32. During the period under review, the Government of Argentina maintained its position that the restoration of communications between the mainland and the Falkland Islands (Malvinas) continued to be a primary objective, since improved links would produce commercial and economic benefits for the entire region by creating the necessary framework for achieving greater understanding between the inhabitants of the region and for serving their interests (see also A/AC.109/2027, para. 33). On 14 March 1996, the Government of Argentina addressed a note verbale to the Executive Secretary of the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) in which, inter alia, it stated the following: 7/

> "The unlawful detention of a fishing vessel of Chilean registry, the Antonio Lorenzo, in statistical subarea 48.3 by vessels of the United Kingdom of Great Britain and Northern Ireland while it was engaged in fishing operations under the Convention on the Conservation of Antarctic Marine Living Resources, and its subsequent escort to the Malvinas Islands, have had consequences that are prejudicial to the Convention and to the international system of scientific observation established thereunder. The Argentine Republic is informed that the CCAMLR international scientific observer designated by it for the purpose of performing tasks aboard the above-mentioned Chilean vessel has been taken to the Malvinas Islands, where he is deprived of his freedom of movement inasmuch as he is not allowed to leave the vessel, and his ability to communicate is severely restricted. The Argentine Republic wishes to point out that actions of this kind contravene the letter and the spirit of the Convention, in particular the rules concerning the international system of scientific observation ..."

33. On 8 May 1996, the Government of the United Kingdom addressed a letter to the Secretary-General of CCAMLR, in which, with reference to the note verbale of the Argentine Government quoted above, it stated, inter alia, the following: 7/

> "... The Argentine letter of 14 March 1996 appears to deny the United Kingdom's sovereignty over South Georgia and the South Sandwich Islands. Although it is not a matter within the scope of the Convention, it is desirable that the position of the United Kingdom be placed on record. The United Kingdom has no doubt about its sovereignty over South Georgia and

the South Sandwich Islands and its right to exercise maritime jurisdiction around the islands in accordance with the rules of international law ...

"... The arrest of the vessel (Antonio Lorenzo) did not infringe in any way the rights of the CCAMLR scientific observer who was on board at the time. The presence of such an observer affords no immunity to the vessel in respect of infringements of the Convention conservation measures or national legislation enforcing them. In view of the immigration regulations, the observer in question was asked whether he wished to leave the Falkland Islands by air or remain on board the vessel until it sailed. The United Kingdom kept the Argentine Government in touch with developments. The observer chose to remain on the vessel. During that time he was free to communicate by any means available to him. In a diplomatic note delivered to the Government of Argentina on 27 March, the United Kingdom, in response to a formal request by Argentina, expressed its willingness to engage in bilateral consultations concerning the interpretation and application of the Convention in accordance with article XXV of the Convention. This was confirmed by the Foreign Ministers of the United Kingdom and Argentina at their meeting on 13 April 1996 at Iguazu, Argentina ..."

G. Banking

34. The Standard Chartered Bank of the United Kingdom has been operating in Stanley since 1983. Both United Kingdom and local coinage are used, together with local currency notes.

H. Public works

35. During the period under review, the Public Works Department completed the following projects: construction of North Camp Rural Road to Port San Carlos; building of dwellings at West Stanley; rebuilding of Moody Brook dam. Construction of a road from Port Howard to Fox Bay is nearing completion. In 1995, the Department published a draft town plan for Stanley. The projects of the Department for 1996 include upgrading of main rural roads, construction of additional classrooms and a new hall at the Stanley junior school and development of the East Stanley area.

V. SOCIAL CONDITIONS

A. General

36. According to the administering Power, during the period under review, all categories of workers improved their monetary standard of living in real terms.

B. Public health

37. According to the administering Power, the general state of health and nutrition of the population and the standard of medical care in the Territory are similar to those of North America and Europe. The principal causes of death are carcinomatosis, ischaemia and respiratory infection of the aged.

38. Medical and dental care as well as medications are free to all residents of the Territory and all United Kingdom citizens. A medical services levy is paid by every resident of the Territory as follows: employed persons, 1 per cent of their salary; employers, 1.5 per cent of the salary of each employee; and self-employed persons, 1.5 per cent of their net profit.

39. The Government Medical Department is responsible for the supervision of public health services. The Department's total expenditure in the 1993/94 financial year was £1,947,420. There is no private system of medical care. All medical services in the Territory are based at the King Edward VI Memorial Hospital at Stanley. The hospital has 28 beds, including two maternity and two intensive-care beds. The hospital has the facilities to deal with all acute medical and surgical conditions. Cases requiring specialist facilities are referred to the United Kingdom or to Uruguay for emergency.

C. Social security and welfare

40. There are contributory and non-contributory old age pension schemes. There is no provision for payment of a disability pension, but there is a system of social welfare grants and pensions to deal with cases of hardship and disability. Social welfare expenditure in the 1994/95 financial year was approximately £40,500.

D. Housing

41. In cooperation with the administering Power, the territorial Government completed a programme of "general needs" housing construction and is now concentrating on the provision of single-person housing and serviced plots for self-builders.

VI. EDUCATIONAL CONDITIONS

42. During the period under review, both Stanley schools and camp education had a full complement of teachers. The school curriculum is reported to be up to date. Thirteen students gained sufficient grades to qualify for overseas training. The compulsory schooling age was raised to 16 years, bringing that indicator into line with world standards. Progress in upgrading books and reference materials in the Community Library was also reported.

VII. PARTICIPATION IN INTERNATIONAL ORGANIZATIONS AND ARRANGEMENTS

43. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of British Dependent Territories Association. It also takes part in the work of multilateral organizations concerned with the exploitation and preservation of marine resources in the South Atlantic.

VIII. CONSIDERATION BY THE UNITED NATIONS

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

44. The question of the Falkland Islands (Malvinas) was considered by the Special Committee at its 1442nd and 1446th meetings, on 10 and 13 July 1995. At its 1446th meeting, the Committee heard Mr. Ricardo Patterson and Mr. Alexander Betts, as well as Councillor E. M. Goss and Councillor N. Edwards of the Legislative Council of the Falkland Islands (Malvinas). At the same meeting the Special Committee acceded to the request of the delegation of Argentina to participate in the consideration of the item.

45. At the 1446th meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina made a statement reiterating the position of his Government on the issue, in which, inter alia, he said the following (A/AC.109/PV.1446):

> "In its resolutions 2065 (XX), 3160 (XXVIII), 37/9 and others, the General Assembly recognized the existence of a sovereignty dispute between Argentina and the United Kingdom, and determined that it should be resolved through negotiations between the parties, taking due account of the interests of the population of the islands. This Committee and the Assembly have repeatedly called on both countries to relaunch negotiations on the question of sovereignty and have affirmed that such a peaceful solution to the dispute is the way to decolonize the Malvinas Islands.
>
> "The right to self-determination does not apply to the inhabitants of the islands, as the General Assembly reaffirmed in its voting on 27 November 1985. To assert otherwise would be to recognize the validity of an originally illegitimate act, because the mere passage of time cannot generate rights for an occupying Power or its subjects installed in a foreign territory who have displaced the local inhabitants by force. Since 1833, Argentines have been prevented from moving freely to the islands or becoming landowners there, which has strengthened the islanders' isolationist attitude towards the mainland."

46. At the same meeting, the representative of Venezuela, on behalf also of Chile and Cuba, introduced draft resolution A/AC.109/L.1830. Following statements by the representatives of Cuba, Chile and Papua New Guinea, the Special Committee adopted draft resolution A/AC.109/L.1830 without a vote.

Statements in explanation of their position were made by the representatives of Sierra Leone and Trinidad and Tobago (see A/AC.109/PV.1446). On 24 July 1995, the text of the resolution (A/AC.109/2033) was transmitted to the Permanent Representatives of the United Kingdom and Argentina to the United Nations for the attention of their respective Governments.

B. General Assembly

Position of the Government of Argentina

47. During the general debate at the fiftieth session of the General Assembly, the Minister for Foreign Affairs, International Trade and Worship of Argentina, in the course of his statement on 27 September 1995, reiterated the position of his Government as follows (A/50/PV.8):

> "In the South Atlantic, the dispute concerning sovereignty over the Malvinas, South Georgia and the South Sandwich Islands and the surrounding maritime spaces has not yet been resolved. We will not cite yet again the numerous resolutions in which the General Assembly and the Decolonization Committee have categorically and repeatedly stated their position on this matter. Let me simply recall that all of these include a clear and direct appeal to the two countries involved - Argentina and the United Kingdom - to reach a negotiated settlement of this dispute. This appeal from the Assembly remains unheeded, despite the willingness we have constantly shown and the excellent relations that bind our two countries. This makes the issue even more baffling.
>
> "In spite of this, we maintain a cooperative effort with regard to the exploitation of fishing resources in the area in an attempt to protect the biomass and at the same time ensure that significant economic activity continues.
>
> "With regard to oil, given the non-renewable character of the resources and the existence of a consolidated international doctrine which proscribes the unilateral exploitation of disputed resources, we are reaching a temporary understanding that allows us to engage in further exploration and exploitation while avoiding the creation of new sources of tension which might discourage initiatives from the private sector.
>
> "This very morning we and the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Malcolm Rifkind, signed a joint declaration which will allow us to move forward together in this spirit.
>
> "With respect to the inhabitants of the islands, I repeat our determination to guarantee total respect for their way of life, their culture, habits and institutions.
>
> "The dispute over the Malvinas Islands will not disappear as if by magic. The peaceful recovery of the exercise of full sovereignty over all the territories in dispute and the surrounding waters, and respect for the way of life of the islands' inhabitants, are today part of Argentina's

Constitution, on which there was consensus across the entire political spectrum of my country. Only rational dialogue, without any a priori conditions from either party, will permit us to make progress towards the final implementation of the resolutions of the Assembly and of the Decolonization Committee."

Position of the administering Power

48. During the general debate at the fiftieth session of the General Assembly, in his statement of 26 September 1995 (see A/50/PV.6), the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom made no reference to the question of the Falkland Islands (Malvinas). However, also during the general debate, on 27 September 1995, speaking in exercise of the right of reply to the remarks of the Foreign Minister of Argentina (see para. 47 above), the representative of the United Kingdom stated the following (A/50/PV.9):

"My delegation welcomes the Foreign Minister's accent on the increasing cooperation between the United Kingdom and Argentina which characterizes our bilateral relationship.

"On the question of the Falkland Islands, as our Foreign Secretary, Douglas Hurd, stated in the Assembly last year, we have no doubt about Britain's sovereignty over the Falkland Islands and other British dependencies in the South Atlantic, sovereignty which rests upon the firm historical foundations and upon the inalienable right of the Falkland Islanders to self-determination, which they have exercised on repeated occasions in democratic elections.

"We must heed the wishes of the people concerned. The elected representatives of the islanders, who visited the United Nations for the debate in the Committee of 24 last July, clearly expressed their view that the Argentine claim to the Falklands was unjustified and should be dropped. The Minister refers to respect for the islanders. We should respect their right to determine their own future.

"Argentina and Britain are however succeeding in cooperating on the basis of the agreements which they reached in Madrid on 15 February 1990. Today we have signed an important agreement on cooperation over offshore activities in the south-west Atlantic. This clearly states that it will not affect the positions of either side on the sovereignty issue.

"My Government sincerely hopes that the progress which has been achieved will be built on and developed for the benefit of the South Atlantic region as a whole. This represents, in my Government's view, the most appropriate means of securing a bright and peaceful future for all the populations concerned."

Contributions by other Member States

49. During the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee), the representative of Ecuador, on 11 October 1995, made a statement on behalf of the Rio Group (see

A/C.4/50/SR.5), in which he said, inter alia, that the recent improvements in the bilateral relations between Argentina and the United Kingdom would make it possible to find a peaceful solution to the question of sovereignty over the Malvinas, South Georgia and the South Sandwich Islands on the basis of the corresponding General Assembly resolutions. Reference to the question of the Falkland Islands (Malvinas) was made at the same meeting by the representatives of Brazil and Uruguay (see A/C.4/50/SR.5). Speaking in exercise of the right of reply (see A/C.4/50/SR.6), the representative of the United Kingdom referred to the statement made earlier that day by the representative of Ecuador, expressing the wish that a solution should be found to the sovereignty dispute over the Falkland Islands, South Georgia and the South Sandwich Islands. The United Kingdom's position on those matters was well known and had been set out most recently in its exercise of the right of reply in connection with the statement made to the General Assembly by the Argentine Foreign Minister on 27 September 1995.

Action by the General Assembly

50. On 31 October 1995, at its 45th meeting, the General Assembly decided to defer consideration of the question of the Falkland Islands (Malvinas) and to include it in the provisional agenda of its fifty-first session (decision 50/406).

IX. CONSIDERATION BY THE ORGANIZATION OF AMERICAN STATES

51. On 4 June 1996, the following declaration was adopted by acclamation by the General Assembly of the Organization of American States (OAS):

"The General Assembly,

"Considering its reiterated statements that the 'Question of the Malvinas Islands' is a matter of enduring hemispheric concern;

"Recalling its resolution AG/Res.928 (XVIII-O/88), that requests the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find, as soon as possible, a peaceful solution to the sovereignty dispute;

"Bearing in mind its resolution AG/Res.1049 (XX-O/90) that noted with satisfaction the resumption of diplomatic relations between both countries and its declaration AG/DEC.5 (XXIII-O/93) that emphasized the excellent state achieved in their bilateral relations;

"Having heard the presentation of the Head of the Delegation of the Argentine Republic;

"Welcomes the reiteration of the will of the Argentine Government to explore all possible ways for the peaceful settlement of the controversy and, in particular, its positive considerations towards the inhabitants of the Malvinas Islands;

"Decides to continue to examine this matter in the subsequent sessions of the General Assembly until its definitive solution."

52. On 13 November 1995, the Embassy of the United Kingdom in Washington had addressed a note verbale to the Chairman of the Permanent Council of the Organization of American States reiterating the position of the United Kingdom on the Territory as follows:

"... The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement in the United Nations General Assembly by the Argentine Foreign Minister on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and decisions and declarations adopted by the General Assembly of the Organization and referred to in the preamble and operative paragraph 1 of resolution 655 (1041/95). I am sure that this matter will not inhibit the fruitful cooperation on a wider range of issues which we all desire. I should be grateful if Your Excellency could circulate this letter to the members of the Permanent Council ..."

53. On 4 June 1996, the head of the delegation of the United Kingdom to the OAS General Assembly addressed a letter to the President of the OAS General Assembly in which he stated the following:

"I have the honour to refer to the declaration on the question of the Falkland Islands (the correct name for the Islands in the English language) adopted by this plenary session.

"The position of the British Government on the question of the Falkland Islands is well known. It was set out by Sir John Kerr in his letter of 13 November 1995 to the Chairman of the Permanent Council. I am confident that this matter will not inhibit fruitful cooperation on the remaining issues on the agenda of the General Assembly.

"I should be grateful if Your Excellency could arrange to circulate this letter as an information document and include it in the record of the General Assembly."

X. CONSIDERATION BY THE LATIN AMERICAN PARLIAMENT

54. On 15 March 1996, the Latin American Parliament issued the following declaration: 8/

"The Executive Committee of the Latin American Parliament deeply regrets the militarist position contrary to the principles and norms of international law that the United Kingdom of Great Britain and Northern Ireland has taken with respect to South Georgia since 1 March, by using its warships to pursue fishing vessels and demanding payment of fees.

"Since negotiations between Argentina and the United Kingdom on sovereignty in this area are still under way, with regard to which the Latin American Parliament confirms its clear position in favour of Argentina's sovereignty, and since the collection of fishing fees clearly violates a treaty in force, the Latin American Parliament urges the United Kingdom Government to desist forthwith from such action and to resume the dialogue with the Government of Argentina on the basis of the joint declaration issued in New York on 27 September 1995."

Notes

1/ The information contained in the present paper has been derived from information transmitted to the Secretary-General on 14 September 1995 and on 29 April 1996 by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter of the United Nations, as well as from official documents of the Governments of Argentina and the United Kingdom and published reports.

2/ World Population Prospects: The 1994 Revision (United Nations publication, Sales No. E.95.XIII.16).

3/ Penguin News (Stanley), 11 January 1996.

4/ Ibid., 4 January 1996.

5/ See also paras. 8, 9, 20, 33 and 52 of the present paper.

6/ See also paras. 8, 9, 19, 33 and 52 of the present paper.

7/ See also paras. 8, 9, 19, 20 and 52 of the present paper.

8/ Also see paras. 8, 9, 19, 20 and 52 of the present paper.